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April 12, 1935.

Honorable Benjamin Blake,
County Attorney, Graham County,
Safford, Arizona.

Dear Mr. Blake:

This will acknowledge receipt of your letter of April 6, 1935, in which you seek the opinion of the Attorney General upon the meaning of the word "indigent" as used in paragraph 813 and Section 5 of paragraph 774, R. C. A., 1928, and asking the question "is a person indigent if they own property, and if so what value?"

May I refer you to Words and Phrases, 2d Series Vol. 2, p. 1046; 3rd Series Vol. 4, p. 244; 4th Series, Vol. 3, p. 42; 2d Series, Vol. 3, p. 923, also pp. 1090 and 1091; and, 1st Series, Vol. 6, p. 5236.

You will notice from examination of the last reference given above that Courts have held differently in different cases, for instance, in the case of

Town of Ludlow vs. Town of Weathersfield,
18 Vt. p. 40

that a person who was the owner of unincumbered real estate of the value of \$400.00 was not an "indigent". While the case of

Fish vs. Perkins
52 Conn. p. 200

held that where a person owned a life interest in a piece of property not worth over \$200.00, such person was an "indigent". The case of

Strubridge vs. The Inhabitants of Holland
28 Mass. p. 459

held that a person who could have obtained \$5.00 in cash, upon making demand therefor, was, nevertheless, an "indigent". The case of

Town of Milford vs. Town of Sherman
21 Conn. p. 112

held that a person who had promissory notes amounting to \$175.00 upon which he received a payment of \$25.00 was not sufficient property to prevent the person from being classed as an "indigent".

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The case of

Town of Big Grove vs. Town of Fox
89 Ill. App., p. 84

held that an old couple "scantily and poorly clothed and had no provisions and no income but owned two cows which had ceased to give milk, in mid-winter time were paupers and indigents." While the case of

Stewart vs. Inhabitants of The Town of Sherman
4 Conn. p. 553

held that a person who had a promissory note of \$96.00 against a person able to pay same would not prevent such person from being a pauper or indigent.

There seems undoubtedly to be a distinction in most jurisdictions between the word "pauper" and the word "indigent". "Pauper" often being defined as "a person destitute of means except such as are derived from charity." While an "indigent" is generally defined as "A person destitute of property or means of comfortable subsistence - poor or in want."

Our statutes, however, do not seem to make this distinction and to use the words interchangeably.

From the above cited authorities, I am of the opinion, that the word "indigent", as used in our statutes, should be and would be given the more liberal construction and a person might be the owner of a small amount of property and still be regarded as an "indigent" under the statutes above referred to, and there is no exact or definite amount of property which he may or may not own to fall within that class, each particular case would have to be decided upon its own merits, keeping in view, however, at all times, the general principle above set forth.

Hoping that the above opinion and authorities cited will enable you to determine from the facts in your particular case the status of the party, we beg to remain,

Yours very truly,

JOHN L. SULLIVAN
Attorney General

A. I. Winsett
Assistant Attorney General

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